

**UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK**

CONVERGEN ENERGY LLC, et al.,

Plaintiffs,

v.

CASE NO.: 1:20-CV-03746 (LJL)

STEVEN J. BROOKS, et al.,

Defendants.

DECLARATION OF ANDREAS MUELLER

Andreas Mueller makes the following declaration under penalty of perjury:

1. I am the chief executive officer of Downstream LLC. I base this Declaration on personal knowledge, and submit it in opposition to Plaintiffs' ("Libra") Motion for a Preliminary Injunction.

2. I have been providing IT forensic and consulting services for more than 20 years. I commonly assist clients with data collection, forensic imaging, cloud-based data storing and retrieval, data analysis, and forensic examination. I frequently provide expert testimony on these subjects.


3. The email, Office 365 accounts and all available logs of activity related to an alleged "hack" associated with EuroEnergy Biogas Latvia Limited ("EuroEnergy") were migrated to Libra. If permitted by the Court, I will delete Defendants' copy of these materials.

4. The forensic images of the hard drives from the laptops used by Mr. Theodore Hansen ("Hansen") and Mr. Brian Mikkelson ("Mikkelson") are in my exclusive possession. The aforementioned forensic images will remain in my possession until the Court rules on Plaintiffs' Motion.

5. I have advised respecting the sorting of email for Libra-related information and Convergen Energy WI, LLC (“CEW”)-related information. To do this, I created a back-up of the entirety of the convergenenergy.com email under Office 365. This universe of data was uploaded to Relativity for sorting. The sorting categories include: (1) CEW-related privileged; (2) Libra-related emails; and (3) CEW-related subject to additional review, which are subdivided into (a) CEW trade secret, (b) CEW general business, (c) spam. I conducted a forensic review of the hard drives of Hansen and Mikkelsen and recovered deleted email that resided on the laptop hard drives. These recovered emails were included in the universe of email that were sorted. Approximately 264,000 email were uploaded onto Relativity and sorted. The Libra-related documents have been exported to Libra. The other email categories, except for privileged, can be reviewed by Plaintiffs’ counsel. If permitted by the Court, I will remove the Libra-related email from the Office 365 accounts of convergenenergy.com.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated this 4th day of September, 2020.

DocuSigned by:

390016CEA5DA4BC...
Andreas Mueller



Certificate Of Completion

| | |
|--|---------------------------|
| Envelope Id: 0A0ADDF0F02E49A88CCEFB89B3A45975 | Status: Completed |
| Subject: Please DocuSign: 2020-9-4 Mueller Declaration EXECUTED.docx | |
| Source Envelope: | |
| Document Pages: 2 | Signatures: 1 |
| Certificate Pages: 4 | Initials: 0 |
| AutoNav: Enabled | Envelope Originator: |
| Envelopeld Stamping: Enabled | DocuSign - Downstream LLC |
| Time Zone: (UTC-08:00) Pacific Time (US & Canada) | 110 16th Street |
| | Suite 1300 |
| | Denver, CO 80202 |
| | docusign@downstream.com |
| | IP Address: 205.169.18.83 |

Record Tracking

| | | |
|---------------------|-----------------------------------|--------------------|
| Status: Original | Holder: DocuSign - Downstream LLC | Location: DocuSign |
| 9/4/2020 4:30:17 PM | docusign@downstream.com | |

Signer Events

Andreas Mueller
andreas.mueller@downstream.com
CEO
Downstream LLC
Security Level: Email, Account Authentication (None)

Signature

DocuSigned by:

39C01CCEA5DA4BC...

Signature Adoption: Pre-selected Style
Using IP Address: 68.3.240.189
Signed using mobile

Timestamp

Sent: 9/4/2020 4:31:41 PM
Viewed: 9/4/2020 4:35:00 PM
Signed: 9/4/2020 4:35:06 PM

Electronic Record and Signature Disclosure:

Accepted: 9/4/2020 4:35:00 PM
ID: a69ae979-ef70-4fab-971e-9734c981f074

In Person Signer Events

Signature

Timestamp

Editor Delivery Events

Status

Timestamp

Agent Delivery Events

Status

Timestamp

Intermediary Delivery Events

Status

Timestamp

Certified Delivery Events

Status

Timestamp

Carbon Copy Events

Status

Timestamp

Witness Events

Signature

Timestamp

Notary Events

Signature

Timestamp

Envelope Summary Events

Status

Timestamps

| | | |
|---------------------|------------------|---------------------|
| Envelope Sent | Hashed/Encrypted | 9/4/2020 4:31:41 PM |
| Certified Delivered | Security Checked | 9/4/2020 4:35:00 PM |
| Signing Complete | Security Checked | 9/4/2020 4:35:06 PM |
| Completed | Security Checked | 9/4/2020 4:35:06 PM |

Payment Events

Status

Timestamps

Electronic Record and Signature Disclosure

ELECTRONIC RECORD AND SIGNATURE DISCLOSURE

From time to time, Downstream (we, us or Company) may be required by law to provide to you certain written notices or disclosures. Described below are the terms and conditions for providing to you such notices and disclosures electronically through the DocuSign system. Please read the information below carefully and thoroughly, and if you can access this information electronically to your satisfaction and agree to this Electronic Record and Signature Disclosure (ERSD), please confirm your agreement by selecting the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

Getting paper copies

At any time, you may request from us a paper copy of any record provided or made available electronically to you by us. You will have the ability to download and print documents we send to you through the DocuSign system during and immediately after the signing session and, if you elect to create a DocuSign account, you may access the documents for a limited period of time (usually 30 days) after such documents are first sent to you. After such time, if you wish for us to send you paper copies of any such documents from our office to you, you will be charged a \$0.00 per-page fee. You may request delivery of such paper copies from us by following the procedure described below.

Withdrawing your consent

If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

Consequences of changing your mind

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. Further, you will no longer be able to use the DocuSign system to receive required notices and consents electronically from us or to sign electronically documents from us.

All notices and disclosures will be sent to you electronically

Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through the DocuSign system all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

How to contact Downstream:

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: docusign@downstream.com

To advise Downstream of your new email address

To let us know of a change in your email address where we should send notices and disclosures electronically to you, you must send an email message to us at docusign@downstream.com and in the body of such request you must state: your previous email address, your new email address. We do not require any other information from you to change your email address.

If you created a DocuSign account, you may update it with your new email address through your account preferences.

To request paper copies from Downstream

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an email to docusign@downstream.com and in the body of such request you must state your email address, full name, mailing address, and telephone number. We will bill you for any fees at that time, if any.

To withdraw your consent with Downstream

To inform us that you no longer wish to receive future notices and disclosures in electronic format you may:

- i. decline to sign a document from within your signing session, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;
- ii. send us an email to docusign@downstream.com and in the body of such request you must state your email, full name, mailing address, and telephone number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

Required hardware and software

The minimum system requirements for using the DocuSign system may change over time. The current system requirements are found here: <https://support.docusign.com/guides/signer-guide-signing-system-requirements>.

Acknowledging your access and consent to receive and sign documents electronically

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please confirm that you have read this ERSD, and (i) that you are able to print on paper or electronically save this ERSD for your future reference and access; or (ii) that you are able to email this ERSD to an email address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format as described herein, then select the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

By selecting the check-box next to 'I agree to use electronic records and signatures', you confirm that:

- You can access and read this Electronic Record and Signature Disclosure; and
- You can print on paper this Electronic Record and Signature Disclosure, or save or send this Electronic Record and Disclosure to a location where you can print it, for future reference and access; and
- Until or unless you notify Downstream as described above, you consent to receive exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you by Downstream during the course of your relationship with Downstream.